

T. Yoon, et al.
U.S.S.N. 09/811,359
Page -27-

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants request reconsideration of the subject application based on the following remarks.

Claims 1-3, 9-10, 12, 14, 15, and 17-22 have been amended and claims 23, 28-29, 31, 36-28, 65-66, and 68 have been cancelled to remove non-elected subject matter from the pending application. That is, the claims have been amended to remove language providing for a heteroaryl or heterocyclic group present in R₂ (or equivalent thereof) and Ar position of the compounds of the claimed invention.

Applicants respectfully traverse the restriction requirement. Applicants respectfully assert that Groups 3, 6, and 7 are directed to claims which provide compounds that are also encompassed by Group 1. For example, Group 3 is drawn to compounds in which Ar is phenyl or naphthyl, R_x and R_y do not form a ring and none of Ar, R_x, R_y, Y or Z provide substituents comprising a heterocyclic group. Such compounds are encompassed within Claims 1 and 3. Similarly Groups 6 and 7 are drawn to claims which also provide compounds encompassed by the claims of Group 1.

Furthermore, it is believed that multiple groups could be searched and examined together without undue burden. For instance, Groups 1, 3, 6 and 7 share a common classification (514 and 544), and said groups are drawn to claims which recite pyrimidine compounds having Ar selected from phenyl or naphthyl and R₂ is selected from various groups which do not comprise a heteroaryl or heterocyclic group and which R₂ include mono and disubstituted amino groups and alkoxy groups. As such, the compounds in Groups 1, 3, 6, and 7 possess a common pyrimidine ring system having a common substitution pattern. Applicants believe that searching these

T. Yoon, et al.
U.S.S.N. 09/811,359
Page -28-

additional claims will not pose an additional burden on the Examiner and request joining Groups 1, 3, 6, and 7.

Reconsideration of the Restriction is earnestly solicited.

Nonetheless, to provide a complete response, Applicants provisionally elect Group 1 drawn to claims 1-8 (in part), 24-27 (in part), 30, 35, 39-64, and 67 drawn to compounds, pharmaceutical compositions and methods of treatment.

This election is being made solely to comply with the Restriction Requirement and the right to file divisional applications on non-elected subject matter is reserved.

Alternately, Applicant request that rejoinder of some, if not all, of the remaining groups be considered by the Examiner following the search of the elected group (Group 1).

Early consideration and allowance of the application are earnestly solicited.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,



John B. Alexander (Reg. No. 48,399)
EDWARDS & ANGELL, LLP
P. O. Box 9169
Boston, MA 02209
Tel: (617) 439-4444
Fax: (617) 439-4170 / 7748

Date: December 4, 2003